VPH

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION No. 6052 OF 2006

Lokmanya Shikshan Sanstha
Nathachiwadi, Pune ... Petitioner

Vs.

State of Maharashtra & Ors. .... Respondents

Mr. A.M. Joshi, Advocate for the petitioner.

Mrs. M.P. Thakur, AGP for respondents.

CORAM: F.I. REBELLO,
AND
R. V. MORE, JJ.

DATE : FEBRUARY 2, 2007.

P.C.:

. Rule. Heard forthwith. By virtue of section 3(3) of the Maharashtra Education Instituions (Management) Act 1976, the power to take over management is that of the Director. In the instant case, in the reply filed by D.S. Bhujbal on behalf of the respondent, it is clear that hearing was given by the minister and the order was passed by the Director. This would clearly reveal infringe the principles of natural justice and not fair play. It is the authority on whom power was conferred to have heard the parties

and pass the order, as the exercise of power is quasi judicial. The Director is directed to give hearing to the petitioner and thereafter pass orders according to law. In the light of that, impugned order dated 10-8-2006 is quashed and set aside. The matter is referred back to the Director to give an opportunity to the petitioners and thereafter pass appropriate order according to law, at any rate not later than four weeks from the date of receipt of this order. Rule made absolute accordingly. There shall be no order as to cost.

Sd/-
[**R. V. MORE, J.]**

Sd/-
[F.I. REBELLO,J.]